



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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No. 28

Shillong, Wednesday, March 24, 2010,

3rd Chaitra,

1932 (S. E.)

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## PART V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 24th March, 2010.

**No.LB.28/LA/2010/2.**—The Meghalaya Maintenance of Public Order (Amendment) Bill, 2010 introduced in the Meghalaya Legislative Assembly on the 24th March, 2010 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE MEGHALAYA MAINTENANCE OF PUBLIC ORDER (AMENDMENT)  
BILL, 2010**

A  
Bill

to amend the Meghalaya Maintenance of Public Order Act (Assam Act V of 1947 as adapted by Meghalaya).

Whereas, the Hon'ble Gauhati High Court vide its order dt. 6-1-2010 in matter of PIL No. 50/2005 filed by Mrinal Talukdar Vrs State of Assam & Ors directed the State of Meghalaya to strictly implement the law declared by the Hon'ble Apex Court as reported in 1998 (1) SCC 201 in matter of Communist Party of India (M) Vrs Bharat Kumar & Ors;

Whereas, further the above judgment of the Hon'ble Apex Court declared that any act for ensuring abstention from normal duties by members of public employee, disrupt normal life or does any act being subversive of law and order or destroy public or private property shall be illegal;

Whereas, also the Government of Meghalaya in pursuance of and in compliance with the above order of the Hon'ble Gauhati High Court and the Hon'ble Apex Court decided to implement by amending the Meghalaya Maintenance of Public Order Act (Assam Act V of 1947 as adapted by Meghalaya) and also the Meghalaya Maintenance of Public Order (Autonomous District) Act (Assam Act XVI of 1953 as adapted by Meghalaya);

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-first Year of the Republic of India as follows, -

**Short title and  
commencement.**

1. (1) This Act may be called the Meghalaya Maintenance of Public Order (Amendment) Act, 2010.

(2) It shall be deemed to come into force from 24<sup>th</sup> February, 2010.

**Insertion of new section 6A to Act V of 1947.**

2. In the Meghalaya Maintenance of Public Order (Assam Act V of 1947 as adapted by Meghalaya), after the existing section 6 the following new section 6A, shall be inserted, namely, -

“Breach of public order, penalty

“6A Whosoever whether an individual or any organization or any association of persons or group of persons either singly or collectively does/do anything by whatever means any act for causing abstention from normal activities by members of public, employees, disrupts normal life or does any act being subversive of law and order or destroy public or private properties shall be guilty of offence under this Act and shall be punishable with imprisonment for three years and upwards but not more than seven years and also shall be liable to compensate the Government, the public and private citizen for the loss suffered by them”.

**STATEMENT OF OBJECT AND REASONS**

The Government of Meghalaya in pursuance of and in compliance with the order passed by the Hon'ble Gauhati High Court and the Hon'ble Apex Court in the Communist Party of India (M) Vrs. Bharat Kumar and Ors. (1998 (1) SCC 201) has decided to amend the Meghalaya Maintenance of Public Order Act (Assam Act V of 1947) as adapted by Meghalaya to incorporate new section 6A to strictly implement the law declared by the Hon'ble Apex Court as calling of bandhs are illegal and unconstitutional. An Ordinance namely the Meghalaya Maintenance of Public Order (Amendment) Ordinance, 2010 was promulgated on 24<sup>th</sup> February, 2010 under clause (1) of Article 213 of the Constitution of India. The said Ordinance is required to be replaced by a regular legislation.

Hence the Bill

( **B.M. Lanong** )  
Deputy Chief Minister (Law).

( **W.M. Rymbai** )  
Secretary,  
Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

There will be no additional financial implication from the Consolidated Fund of the State of Meghalaya for implementing the provision of this Bill.



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GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 24th March, 2010.

**No.LB.29/LA/2010/2.**—The Meghalaya Maintenance of Public Order (Autonomous District) (Amendment) Bill, 2010 introduced in the Meghalaya Legislative Assembly on the 24th March, 2010 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE MEGHALAYA MAINTENANCE OF PUBLIC ORDER (AUTONOMOUS DISTRICTS) (AMENDMENT) BILL, 2010**

A  
Bill

to amend the Meghalaya Maintenance of Public Order (Autonomous District) Act (Assam Act XVI of 1953 as adapted by Meghalaya).

Whereas, the Hon'ble Gauhati High Court vide its order dt. 6-1-2010 in matter of PIL No. 50/2005 filed by Mrinal Talukdar Vrs State of Assam & Ors directed the State of Meghalaya to strictly implement the law declared by the Hon'ble Apex Court as reported in 1998 (1) SCC 201 in matter of Communist Party of India (M) Vrs Bharat Kumar & Ors;

Whereas, further the above judgment of the Hon'ble Apex Court declared that any act for ensuring abstention from normal duties by members of public employee, disrupt normal life or does any act being subversive of law and order or destroy public or private property shall be illegal;

Whereas, also the Government of Meghalaya in pursuance of and in compliance with the above order of the Hon'ble Gauhati High Court and the Hon'ble Apex Court decided to implement by amending the Meghalaya Maintenance of Public Order Act (Assam Act V of 1947 as adapted by Meghalaya) and also the Meghalaya Maintenance of Public Order (Autonomous District) Act (Assam Act XVI of 1953 as adapted by Meghalaya);

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-first Year of the Republic of India as follows, -

**Short title and commencement.**

1. (1) This Act may be called the Meghalaya Maintenance of Public Order (Autonomous District) (Amendment) Act, 2010.

(2) It shall be deemed to come into force from 24<sup>th</sup> February, 2010.

**Insertion of new section 8A to Act XVI of 1953.**

2. In the Meghalaya Maintenance of Public Order (Autonomous Districts) (Assam Act XVI of 1953 as adapted by Meghalaya), after the existing section 8, the following new section 8A, shall be inserted, namely, -

“Breach of public order, penalty

“8A Whosoever whether an individual or any organization or any association of persons or group of persons either singly or collectively does/do anything by whatever means any act for causing abstention from normal activities by members of public, employees, disrupts normal life or does any act being subversive of law and order or destroy public or private properties shall be guilty of offence under this Act and shall be punishable with imprisonment for three years and upwards but not more than seven years and also shall be liable to compensate the Government, the public and private citizen for the loss suffered by them”.

**STATEMENT OF OBJECT AND REASONS**

The Government of Meghalaya in pursuance of and in compliance with the order passed by the Hon'ble Gauhati High Court and the Hon'ble Apex Court in the Communist Party of India (M) Vrs. Bharat Kumar and Ors. (1998 (1) SCC 201) has decided to amend the Meghalaya Maintenance of Public Order (Autonomous District) Act (Assam Act XVI of 1953 as adapted by Meghalaya to incorporate new section 8A to strictly implement the law declared by the Hon'ble Apex Court as calling of bandhs are illegal and unconstitutional. An Ordinance namely the Meghalaya Maintenance of Public Order (Autonomous Districts) (Amendment) Ordinance, 2010 was promulgated on 24<sup>th</sup> February, 2010 under clause (1) of Article 213 of the Constitution of India. The said Ordinance is required to be replaced by a regular legislation.

Hence the Bill

**( B.M. Lanong )**  
Deputy Chief Minister (Law).

**( W.M. Rymbai )**  
Secretary,  
Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

There will be no additional financial implication from the Consolidated Fund of the State of Meghalaya for implementing the provision of this Bill.





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## PART - IIA

GOVERNMENT OF MEGHALAYA

COMMUNITY AND RURAL DEVELOPMENT DEPARTMENT SHILLONG

NREGA - CELL

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 23rd March, 2010.

**No.NREGS Cell.19/2010/66.**—In exercise of the powers conferred by sub-section (1) of Section 4 of the National Rural Employment Guarantee Act, 2005, the State Government hereby makes the following amendments further to amend the notification of the Government of Meghalaya, Community & Rural Development, published in the Gazette of Meghalaya, Extraordinary vide number CDD.122/2006/3 dated 28th July 2006 namely:

In the **said** notification :

- i. against Para 7A clause 4, the sentence “there shall be three elected members from each VEC including the traditional headman and female member to represent VEC at AEC” will be replaced with “Each VEC will have a Programme Executive/Implementation Committee to implement the scheme in the village. This Committee will comprise of five persons conversant with the NREGS: Meghalaya, out of whom a Chairman and Secretary will be elected. Chairman, Secretary and one women member will represent VEC at AEC level. This Committee will be decided by General Body meeting of VEC”.
- ii. against Para 7A Clause 5, the sentence will read as “The meeting of the VEC will be chaired by a Chairman of Programme Executive Committee/Village Headman/Traditional Village Head and a Secretary for the VEC may be elected by the members of the VEC from amongst the members”.
- iii. against Para 7B Clause 3, “The 3 (three) elected members will consist of one female, one male, & the village Traditional Headman/Nokma of the village” will be deleted and it will now read as “The 3 (three) elected members will consist of one female, Chairman and Secretary of Programme Executive Committee”.
- iv. against Para 7B Clause 7, the term of AEC and VEC members will be three years.
- v. against Para 16 the term VEC will be added in the sentence which will read now as “The PO shall issue work commencement letter to the VEC/AEC or other line departments, strictly following the priority indicated in the administrative sanction proceedings issued by the DPC. Every AEC/VEC shall maintain a Register of Works for which work commencement letters are received for the financial year”.
- vi. against Para 17 Clause (i) the sentence “The AEC will be the single window for wage payment, irrespective of the executing agency” will be deleted to be replaced with the sentence “VECs will make payments for implementation of the scheme in the village and AECs will make payments for works executed as its level”.

- vii. against Para 17 Clause (ii) the sentence "The PO shall issue the pass order for payment of wages to the workers and send cheque/draft directly to the Bank Account of VEC ..... from AEC' will now be replaced with "The PO shall issue the pass order for payment of wages to the workers and send cheque/draft directly to the Bank Account of VEC which will be operated as a joint account with two designated signatories from the Programme Executive Committee of VEC, Secretary and one Women member".
- vii. against Para 17 Clause (iii) the sentence " It may be noted that the AEC shall operate the bank account ..... shall be presented to the VECs annually" will be sunstituted with "It may be noted that the AEC shall operate the bank account for works implemented by the AEC. An account will be jointly operated by Chairman and Secretary of AEC".
- ix. against Para 23 the sentence " The AEC will be responsible to function as local Vigilamnce and Monitoring Committee which will comprise of at least six members and will not include Office Bearers, two will be women and 50% of members should be workers of NREGA" shall be added.
- x. against Para 24, para i) the sentence, "The VEC will be competent to carry out social audit" shall be deleted and will now be replaced with 'The AEC will be competent to carry out Social Audit. Each AEC will constitute Social Audit Committee comprising of three or four persons and conduct social audit for the works done within their jurisdiction at regular intervals as per direction of the Programme Officer and District Programme Coordinator and submit reports to the office of the Programme Officer. AEC will also facilitate Social Audit Forums to the public".

**C. D. KYNJING,**

Principal Secretary to the Govt. of Meghalaya,  
Community & Rural Development Department.